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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/780,193

02/17/2004

Guy Brochu

2634-10A

9913

7590

08/01/2006

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EXAMINER

NGUYEN, CHI Q

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/780,193	Applicant(s) BROCHU ET AL.	
	Examiner Chi Q. Nguyen	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 1 is objected to because of the following informalities: the citation "a plurality of channels formed in said sheet member" should read as --a plurality of channels formed in said sheet member--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6, 7, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Mayrand (US 5,551,204).

In regard claim 1, Mayrand shows in Figure 3 a structure comprising a sheet member 11 having an upper surface and a bottom surface, a plurality of channels 12" formed in the sheet member 11, said channels 12" extending inwardly from said bottom surface, at least one channel having a pair of opposed sidewalls 15, said at least one channel having a plurality of apertures 16 formed in at least one of said sidewalls 15.

In regard claim 2, wherein each of said channels 12" has a pair of opposed sidewalls 15, each of said channels having apertures 16 formed in at least one said sidewalls.

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In regard claim 3, wherein all of said sidewalls 15 have apertures 16 formed therein.

In regard claim 6, wherein said channels 12" each have a generally U-shaped configuration.

In regard claim 7, wherein said sheet member 11 is formed of a metallic material (col. 3, line 67).

In regard claim 9, wherein said channels 12" extend transversely of said sheet member 11.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, and 6-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Sigmund (US 6,941,707).

In regard claim 1, Sigmund shows in Figures 1C and 1D a vented soffit panel comprising a sheet member 100 having an upper surface and a bottom surface, a plurality of channels 30 formed in the sheet member 11, said channels 30 extending inwardly from said bottom surface, at least one channel having a pair of opposed sidewalls 20, said at least one channel having a plurality of apertures 34 or 234 formed in at least one of said sidewalls 20 (col. 4, lines 33-34).

In regard claim 2, wherein each of said channels 30 has a pair of opposed sidewalls 20, each of said channels having apertures 34/234 formed in at least one said sidewalls.

In regard claim 3, wherein all of said sidewalls have apertures formed therein (see Fig. 1D and col. 4, lines 33-34).

In regard claim 6, wherein said channels 30 each have a generally U-shaped configuration.

In regard claims 7-8, wherein said sheet member 11 is formed of a metallic material is aluminum (col. 3, line 32).

In regard claim 9, wherein said channels 30 extend transversely of said sheet member 100.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayrand (US 5,551,204).

In regard claims 4, and 5 Mayrand teaches the basic structures for the sheet member as stated above; however, Mayrand does not teach specifically each of said sidewalls extending inwardly and rearwardly at an angle between 75 and 88-degrees with respect to said upper surface. Applicant fails to show criticality for specifically claimed angles, therefore it would have been an obvious design choice to use the angles between 75-88 degrees such specified to these claims.

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sigmund (US 6,941,707).

In regard claims 4, and 5 Sigmund teaches the basic structures for the sheet member as stated above; however, Sigmund does not teach specifically each of said sidewalls extending inwardly and rearwardly at an angle between 75 and 88-degrees with respect to said upper surface. Applicant fails to show criticality for specifically claimed angles, therefore it would have been an obvious design choice to use the angles between 75-88 degrees such specified to these claims to adjust ventilation throughout a building.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chalmers et al. teaches adjustable soffit system.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (571) 272-6847, Mon-Thu (7:00-5:30), Fridays off or examiner's supervisor, Naoko Slack can be reached at (571) 272-6847. The examiner's right fax number is (571) 273-6847.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see

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<http://pairdirect.uspto.gov>. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.

7/26/2006

CQN


N. Slack
Supervisory Patent Examiner